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or more social or industrial advisers, preferably working in conjunction with the psycho-educational clinic and the attendance department. [If the schools are not ready to inaugurate this work, even as a temporary measure, it is suggested that it would be well to invite the cooperative aid of public welfare organizations in this undertaking.]

14. In order to provide for the institutional needs of the feeble-minded of St. Louis there should be established near St. Louis a residential institution of the colony type either under state or municipal control or under the control of the public schools.

15. Efforts should be made to secure the enactment of mandatory laws which will make it possible to commit to institutions those children who have been definitely diagnosed as feeble-minded who do not receive adequate protection and oversight in the home when the parents refuse to commit them voluntarily. The public schools should be held responsible for the diagnosis of the cases and the Juvenile Court for the commitment.

#### COURTS—LAWS.

**Draft of Sterilization Law for Illinois.**—AN ACT to prevent the procreation of feeble-minded, insane, epileptic, inebriate, criminalistic and other degenerate persons by authorizing and providing by due process of law for the sterilization of persons with inferior hereditary potentialities, maintained wholly or in part by public expense.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* There is hereby established for the State of Illinois a Eugenics Commission, whose duties are hereinafter defined, and which shall be composed of three persons possessing respectively expert knowledge in biology, pathology, and psychology.

SEC. 2. Immediately after the passage of this act the governor shall appoint the members of the Eugenics Commission, one of whom he shall designate as chairman. Any determination or order concurred in by two members of the commission shall be deemed an order of the commission. The members of the commission shall hold office at the pleasure of the governor, and vacancies in the commission shall be filled by him as they occur. Immediately after their appointment the commission shall assemble, shall organize their body and shall proceed to carry out the provisions of this act. The members of the Eugenics Commission shall be required to devote their entire time and attention to their duties as herein contemplated, and for their services shall be compensated from state funds not otherwise appropriated; and for the performance of their duties as herein contemplated, the aforesaid commission shall be directly responsible to the governor.

SEC. 3. It shall be the duty of the Eugenics Commission to examine into the innate traits, the mental and physical conditions, the personal records, and the family traits and histories of all prisoners, inmates, and patients of all the county and state institutions for the insane, feeble-minded, the epileptic, the inebriate, the criminalistic and pauper classes, and of all individuals of such classes in private institutions supported in whole or in part by state funds, excepting always permanent custodial cases, excepting also any persons in any county jail pending trial or serving a sentence of less than ninety-one days, with the view of determining whether in each particular case the individual is

a person potential to producing offspring who, because of the inheritance of inferior or anti-social traits, would probably become a social menace, or a ward of the state. If after such investigation the commission is of the opinion that a given inmate is a person potential to producing such offspring, it shall be the duty of the commission to make its findings of such persons and record the same in a book to be kept by such commission together with a record of the nature of the extent of such examination and the recommendation by such commission; said commission shall also report its findings and recommendations, including a recommendation of an appropriate type of sterilizing operation to the county or circuit court of the county in which said person shall be located, at least thirty days before the day set for the release of such person from the custody of the state.

SEC. 4. The aforesaid court to which the aforesaid report shall be filed, shall thereupon set a date for hearing of the facts of the case, and shall immediately order that either the person nominated for the operation, his nearest kin, lawful guardian, or close friend, shall be notified forthwith in writing, the time, place and nature of the aforesaid hearing; provided that in cases wherein on account of the mental or physical conditions of the person so nominated, such notification would, in the opinion of the commission, be inadvisable, and wherein, in the same case, the whereabouts of neither of the aforesaid mentioned nearest of kin, lawful guardian, nor close friend within the state be known to the commission, it shall be sufficient for the said commission to indorse the notification statement with a statement of the reasons why such notification was not served.

SEC. 5. On the date previously set for the hearing as herein contemplated, the aforesaid court, shall, with all speed consistent with thoroughness, examine the findings and recommendations of the commission, and shall hear any objections that may be offered thereto. The commission shall be represented at the hearing by the state's attorney, and shall defend their recommendation, and in all subsequent litigation incident to the execution of their duties as herein contemplated, the commission shall have the services of the state's attorney. The court may at its discretion appoint counsel to represent the person nominated for sterilization, and shall fix the compensation for such services, which compensation shall be paid from the funds from which other similar court expenses are now paid. If after due consideration the court is satisfied that the individual prisoner, inmate, or patient nominated for sterilization is a person as found by the commission, namely, one who is potential to reproducing offspring who would probably, because of the inheritance of inferior or anti-social traits, become a social menace, or a ward of the state, it shall be lawful and it shall be the duty of the aforesaid court to authorize and to order the Eugenics Commission to order the responsible head of the institution, in whose charge the particular person nominated for sterilization may be, to cause to be performed on such person, in a safe and humane manner, before his or her discharge or release from the custody of the state, an operation for the prevention of begetting or of conception, as the case may be; and the type of operation may be made a part of the order of the commission in each case; provided that said operation shall not be had within five days after the giving of the order therefor; and the aforementioned responsible head of the institution in whose custody the person subject to a particular order for sterilization may be, shall be directly responsible to the

Eugenics Commission for the execution of the operation as ordered: provided that in such proceedings the report of the said Eugenics Commission shall be competent evidence in the proceedings before the said court.

SEC. 6. In case of a decision by the court contrary to the recommendations of the Eugenics Commission, said commission may at its discretion order an appeal to the Appellate Court, and the execution of any such original order for sterilization as herein provided for may be suspended by any judge of the Circuit Court in the county in which the particular prisoner, inmate or patient may be confined, until the hearing and determination of objections to the said order, which hearing shall be had not later than the next special term for motions of the court, and an appeal will lie from the determination of such objections by either party as from an order in a special proceeding. Pending the final determination of such suspended order or of an appeal, the subject of the particular order for sterilization shall remain in the custody of the state.

SEC. 7. After ordering the operation as hereinbefore provided for, any such operation may be performed by any skilled surgeon licensed in the state, who may be designated by the responsible custodian of the person ordered sterilized, and any expenses incurred by the operation shall be borne by the institution in whose custody the person sterilized may be. The aforesaid order shall constitute complete authority for the performance of said operation, and no skilled surgeon, duly licensed in the state, performing the same, shall be questioned in any place or held responsible for the performance of the same.

SEC. 8. It shall be the duty of the managing head of all the state and private institutions subject to the provisions of this act to co-operate with the Eugenics Commission in the execution of their duties as herein contemplated, and to secure appropriate data concerning innate traits, personal records, and family histories and traits of the prisoners, inmates or patients of their respective institutions subject to the provisions of this act, and to furnish said data to the Eugenics Commission at least 60 days before the date set for the release of each particular inmate.

SEC. 9. The Eugenics Commission shall have full authority to make further study of the personal and family histories of persons subject to the provisions of this law furnished as herein contemplated by the managing heads of institutions; and in the prosecution of such investigations the commission shall have the right to summon persons and to administer oaths, and shall have free access to all court and institution records of this state likely to be of service to such investigations.

SEC. 10. It shall be the duty of the Eugenics Commission to keep a permanent record of all business transacted by them, including a record of all cases, and histories examined into, and of all reports and recommendations made by them, and of all orders made and received by them, and annually to report a history of all such transactions to the governor.

SEC. 11. All records of investigations, examinations, reports, recommendations, orders, and personal and family histories made, entered, or secured by the commission are hereby declared to be the property of the state, and shall not be opened to public inspection except upon an order made by a judge of a court of record; provided, however, that all such records may be used for scientific study by the commission.

SEC. 12. Each commissioner and each person appointed to office by the commission shall, before entering upon the duty of his office, take and subscribe the constitutional oath of office. Before entering upon the duties of his office, each commissioner shall give bond, with security, to be approved by the governor, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duty as such commissioner. Every person appointed or employed by the commission, may, in the discretion of the commission, before entering upon the duties of his office, be required to give bond for the faithful discharge of his duties in such sum as the commission may designate, which bond shall be approved by the commission.

SEC. 13. There shall be appointed by the commission a clerk, whose duty shall be to keep all records of the commission, and who shall at all times be and in charge of, and keep open the office of the commission between the hours of eight in the morning and five in the evening throughout the year. The office of the commission shall be in the State Capitol. The commission shall have power upon the consultation with, and the approval of the governor, to appoint and employ counsel and such additional officers and assistants as it may deem necessary to carry out the provisions of this act, and shall fix the salaries, together with the salary of the clerk, by and with the approval of the governor.

SEC. 14. The annual salary of each commissioner shall be ten thousand dollars, to be paid as heretofore provided, and the commission may also incur necessary expenses for office furniture, stationery, printing and other incidental expenses.

Approved—, 191—

**New Legislation in Massachusetts Affecting the Insane.**—AN ACT TO ABOLISH THE STATE BOARD OF INSANITY AND TO ESTABLISH THE MASSACHUSETTS COMMISSION ON MENTAL DISEASES.

*Be it enacted, etc., as follows:*

SECTION 1. The State Board of Insanity, existing under authority of chapter eighty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, is hereby abolished. All the rights, powers and duties of said board are hereby transferred to and shall hereafter be vested in and exercised by the Commission on Mental Diseases, established hereunder, which shall in all respects be the lawful successor of said board. Immediately upon the appointment and qualification of said commission and the taking effect of this act under the provisions of section nine, all books, papers, maps, plans, charts, records and all other documents or equipment in the possession of said board shall be delivered to said commission. All the present employes of the Board of Insanity shall continue to perform their usual duties upon the same terms and conditions unless suspended or removed under the provisions of the civil service rules.

SEC. 2. The Commission on Mental Diseases shall consist of a director, and four associate members, all of whom shall be appointed by the governor, with the advice and consent of the council—the director for a term of five years, and the associate members for terms of one, two, three and four years, respectively, from the date of appointment, as the governor shall designate. Thereafter the governor shall annually appoint, in like manner, an associate member for a term of four years, and every fifth year, a director; shall fill all